

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

FLEMING COMPANIES, INC.,	:	CIVIL ACTION NO. 04-3397 (MLC)
	:	
Plaintiff,	:	ORDER & JUDGMENT
	:	
v.	:	
	:	
DEALCO, INC., et al.,	:	
	:	
Defendants.	:	
_____	:	

THE PARTIES submitting a Stipulation of Voluntary Dismissal Without Prejudice (2-17-06 Stip.); and the Stipulation containing certain terms, which the Court will present herein; and the Court advising the parties that they may submit an original Stipulation to protect their interests, even though the action will be marked as closed; and for good cause appearing;

IT IS on this 27th day of February, 2006, **ORDERED AND ADJUDGED**, as it has been reported to the Court that the action has been settled, that:

(1) the complaint is **DISMISSED** (a) without costs, and (b) without prejudice to reopen the action on good cause shown or in the event of a material breach of the settlement agreement entered into by and between the parties; and

(2) the dismissal shall be with prejudice if no party seeks to reopen the action on or before October 31, 2006; and

(3) if any party shall move to set aside this order and judgment as provided above or pursuant to the provisions of Federal Rule of Civil Procedure 60(b), in deciding such motion the Court retains jurisdiction of the action to the extent necessary to enforce the terms and conditions of any settlement entered into between the parties; and

IT IS FURTHER ORDERED that the Clerk of the Court designate the action as **CLOSED**.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge